

RESPONSE

Serial Number: 10/617,218

Filing Date: Jul 10, 2003

Title: Efficiently manufacturable absorbent disposable undergarment and method of manufacturing absorbent disposable article

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REMARKS

Claims 1-33 are pending.

Claims 20-33 are withdrawn.

Claims 1-19 stand rejected as obvious over the prior art, as discussed below.

I. Claims 1-7, and 16-17 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dravland (4,906,243) in view of Imsangjan (7,011,653). This ground of rejection is respectfully traversed.

The Examiner states that "Dravland discloses all aspects of the claimed invention with the exception of the front section having an S-shaped arcuate edge portion."

Respectfully, this is incorrect- the Examiner fails to address important limitations in claim 1. For example, claim 1 recites the following limitations which are not specifically treated by the Examiner:

1. said front waist portion and said rear waist portion being joined together at the sides of said chassis, said belly portion and said rear back portion being joined together at the sides of said chassis;
2. a substantially S-shaped arcuate edge portion at said front section with a concave recess forming a high-cut upper portion of the leg openings, a substantially S-shaped arcuate edge portion at said rear section with a convex projection forming a lower portion of the leg openings; and
3. said concave edge portion of one of said leg openings being of complementary shape to said convex edge portion of said one of said leg openings, said concave edge portion of the other of said leg openings being of complementary shape to said convex edge portion of said other of said leg openings;

A. Dravland does not disclose or teach a "front waist portion and said rear waist portion being joined together at the sides of said chassis." Instead, Dravland discloses a "back section 10a" that wraps around and attaches at generally the middle of a "front section 10c."

It is admitted that Imsangjan does disclose front and rear sections joined at the sides of

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the chassis. However, it is important to note that Dravland is not made this way because it illustrates an important difference between Dravland and Imsangjan that bear upon whether one of skill in the art would modify Dravland in the manner suggested by the Examiner.

The Examiner states that it would have been obvious to provide the "substantially S-shaped arcuate edge portion" on the article in Dravland because it would "help keep the garment in place during use and improve comfort." Applicant respectfully disagrees with this argument.

For one thing, Dravland already expressly states that the "inverted V-shaped leg openings 34 (FIG. 3) in the front [allow] freer forward and upward movement of the infant's legs." (Col. 3, Ins. 39-41.) As a result, there is no teaching, motivation, suggestion, or other sufficient reason why anyone would seek to modify Dravland in view of Imsangjan-- Dravland already describes a type of high-cut leg opening.

Additionally, because the front section and the rear section are not attached at the sides of the chassis in Dravland, it is not reasonable to assume that the front section in Dravland could in fact be altered to have an S-shaped arcuate edge portion. To provide an even higher-cut opening in the lower edge of the front section might not be possible/practicable without totally redesigning the structure of the article. There is no reason in the prior art to redesign Dravland like this, especially in view of the express teaching in Dravland that the leg openings already provide sufficient forward and upward movement of the infant's legs.

B. Imsangjan admittedly discloses front and rear portions joined at the sides of the chassis. However, neither Imsangjan nor Dravland disclose or teach the either the second or third limitations listed above. Specifically, Imsangjan and Dravland do not disclose or teach both a (1) "a concave recess" and a "convex projection" in the same article; or wherein (2) the upper concave and lower convex portions have a "complimentary shape."

Accordingly, even if Dravland were modified to providing a substantially S-shaped arcuate edge portion for the front of the leg opening as shown in Imsangjan, that still would not meet the limitations of claim 1. This is because even if Dravland were somehow modified to incorporate an S-shaped arcuate edge portion for the front of the leg opening, that does not also necessarily mean that the concave and convex portions must have a "complimentary shape."

In other words, an important difference between the article recited in claim 1 and the

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articles described in both Dravland and Imsangjan is that neither of those patents disclose or teach both a convex recess in the front/upper leg openings and a concave projection in the rear/lower leg openings in the same article. In Dravland, there is a concave projection in the rear/lower leg openings, but no convex recess in the front/upper leg openings. In Imsangjan, there may be convex recess formed in the front/upper leg opening, but there is no concave projection in the rear/lower leg openings.

Both Dravland and Imsangjan are devoid of any disclosure or teaching to provide both a convex recess in the front/upper leg openings and a concave projection in the rear/lower leg openings. As would therefore be expected, there is also no disclosure or teaching in Dravland or Imsangjan that the convex and concave portions have a "complimentary shape."

The only teaching to combine both features into one article is found in Applicant's disclosure. Thus, it would appear that Applicant's own disclosure is being used as a guide to combine portions of prior art in a manner which is otherwise not disclosed or taught in the prior art. If so, this would constitute the improper use of "hindsight."

Because neither Dravland nor Imsangjan disclose or teach at least these two limitations, claim 1, and hence claim 2-20 which depend therefrom, are patentable over both of these references.

II. Claims 8-13, and 18-19 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dravland (4,906,243), in view of Imsangjan (7,011,653) and Otsubo (US 2002/0151864).

Claims 8-13 and 18-19 depend from claim 1, and are thus allowable if claim 1 is allowable.

III. Claims 14-15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dravland (4,906,243) in view of Imsangjan (7,011,653), Otsubo (US 2002/0151864) and Goode et al. (5,843,056).

Claims 14-15 depend from claim 1, and are thus allowable if claim 1 is allowable.

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CONCLUSIONS

Claim 1 particularly claims that the article has (1) "a concave recess" formed in the upper portion of the leg openings and (2) that the upper concave and lower convex portions of the leg openings have a "complimentary shape." At least these two limitations are not disclosed or taught in Dravland or Imsangjan.

Therefore, claim 1, and hence claims 2-20 which depend therefrom, are patentable over Dravland and Imsangjan, either alone or in combination.

Accordingly, reconsideration and allowance of claims 1-20 are respectfully requested.

Respectfully submitted,

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